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Attorney for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GREENACTION FOR HEALTH AND
ENVIRONMENTAL JUSTICE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF THE
NAVY et al.,

Defendants.

Case No. 3:24-cv-3899-VC

**STIPULATION AND PROPOSED
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE**

Stipulation and Proposed Order to
Continue Case Management Conference
Case No. 3:24-cv-3899-VC

Under Civil Local Rules 6-1(b), Plaintiff and Defendants (together, the “Parties”) stipulate to and request an order from the Court to continue the initial case management conference to November 22, 2024, with the joint case management statement due November 15, 2024, or the next available dates thereafter. The initial case management conference is currently scheduled for September 27, 2024, with the joint case management statement due September 20, 2024.

The Parties request the Court enter an order granting the continuance because Plaintiff intends to file an amended complaint and Defendants anticipate filing a motion move to dismiss under Federal Rule of Civil Procedure (“Rule”) 12(b). The Parties met on September 3, 2024, to discuss a process for Plaintiff to file an amended complaint and Defendants to respond with a responsive pleading. Plaintiff would like to obtain information from Defendants, and that will determine the timing of Plaintiff’s filing of an amended complaint.

The Parties believe it would serve judicial economy to continue the case management conference at least until Plaintiff has filed an amended complaint and Defendants have filed a responsive pleading. Defendants’ planned motion to dismiss may result in dismissal of all or part of this action. Conducting the Rule 26(f) conference and initial case management conference before knowing the full scope of the claims at issue likely would leave case management matters unresolved. Depending on which claims proceed, this case may require review of some claims based on the administrative record, and discovery under the Rules for others. It would be in the interests of the Parties and judicial economy to address this issue, on which the Parties may disagree, based on the claims that move forward in the case.

To do so, the Parties request that the Court enter an order continuing the initial case management conference as requested above. This continuance will allow the Parties time to

negotiate a process for Plaintiff to amend the complaint and Defendants to respond, for Plaintiff to file an amended complaint, and for Defendants to file a responsive pleading.

Respectfully Submitted,

Dated: September 4, 2024

/s/ with permission
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Greenaction for Health and Environmental
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Dated: September 4, 2024

/s/ David Mitchell
DAVID D. MITCHELL
United States Department of Justice
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Attorney for Defendants

FILING ATTESTATION

I attest that the signing counsel for Plaintiff concurs in filing this document.

Dated: September 4, 2024

/s/ David Mitchell
DAVID D. MITCHELL
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section

PROPOSED ORDER

Based on stipulation and for good cause shown, the initial case management conference and joint case management statement deadline established by the Court's July 1, 2024, order are continued. The initial case management conference is continued to November 22, 2024, with the joint case management statement due November 15, 2024.

IT IS SO ORDERED

Dated: _____

Vince Chhabria
United States District Judge